

Kidd, Sterling

From: Frye, Davis
Sent: Thursday, September 22, 2016 2:02 PM
To: Kelly Simpkins; wingate_chambers@mssd.uscourts.gov
Cc: Kidd, Sterling; Ritchie Norris; Lana E. Gillon; Kevin Rogers; Trey Dellinger
Subject: RE: CAP IV Ridgeland, LLC v. City of Ridgeland, Mississippi; Case No.: 3:14-cv-00801-HTW-LRA

Dear Judge Wingate:

Plaintiff CAP IV Ridgeland, LLC has no objection to the defendant's requested stay until a telephonic hearing may be conducted after October 28, at which time we would like to discuss the entry of an appropriate scheduling order as we work to move forward following the City's announcement yesterday.

Thanks,
Davis

Davis Frye

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas, and Washington, D.C.

EXHIBIT

"B"

From: Kelly Simpkins [<mailto:ksimpkins@wellsmar.com>]
Sent: Wednesday, September 21, 2016 3:52 PM
To: wingate_chambers@mssd.uscourts.gov
Cc: Kidd, Sterling; Frye, Davis; Ritchie Norris; Lana E. Gillon; Kevin Rogers; Trey Dellinger
Subject: CAP IV Ridgeland, LLC v. City of Ridgeland, Mississippi; Case No.: 3:14-cv-00801-HTW-LRA

Dear Judge Wingate,

This email is to advise the Court of a recent settlement with HUD that impacts this case. The City of Ridgeland and HUD recently entered into a Conciliation Agreement in settlement of the HUD initiated complaint filed against Ridgeland on December 2, 2015. A copy of the Agreement is attached for your review. As part of the Agreement, the City will amend the 2014 Ordinance so that the apartment complexes will no longer be subject to the amortization provision at issue in *CAP, IV*. The Agreement specifically provides that by virtue of the amendment, multi-family residential properties will be treated as they were as to use and density prior to the passage of the 2014 Ordinance. The City will be publishing a notice for the public hearing on the proposed amendment within the statutory period, and the public hearing will take place on October 18, 2016.

CAP IV and Ridgeland both have motions for summary judgment pending before the Court. [Dkt. #94, #90]. The motions have been fully briefed; however, in light of the City's settlement with HUD and its agreement to voluntarily amend the 2014 Ordinance and rescind the amortization provision, the City would like the

opportunity to supplement its motion for summary judgment for the purpose of addressing and briefing the issue of mootness.

We respectfully request that the Court stay the case and set a telephonic status conference to discuss the aforementioned after October 28, 2016, which is the deadline to appeal the Aldermen's decision at the public hearing.

Kelly D. Simpkins

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